

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                 |   |                |
|---------------------------------|---|----------------|
| -----                           | X |                |
|                                 | : | 22md3043 (DLC) |
| IN RE: Acetaminophen - ASD-ADHD | : |                |
| Products Liability Litigation   | : | <u>ORDER</u>   |
|                                 | : |                |
| -----                           | X |                |

DENISE COTE, District Judge:

On October 5, 2022, the United States Judicial Panel on Multidistrict Litigation ("the Panel") transferred 18 actions to this Court and centralized the litigation in these actions and potential tag-along actions pursuant to 28 U.S.C. § 1407. On October 14, the Panel issued a Conditional Transfer Order sending 48 additional actions to this Court. It is hereby Ordered that:

# I. MULTIDISTRICT LITIGATION ACTION

1. The cases transferred to this Court by the Panel as Member Cases of this multidistrict litigation action ("MDL"), and any related cases that are filed in the Southern District of New York, shall be referred to collectively as In re Acetaminophen - ASD-ADHD Products Liability Litigation, Docket No. 22md3043 (DLC). These actions and any future actions so transferred and filed are hereby consolidated for all pretrial purposes without the need for future motions or orders.

2. No action taken hereunder shall have the effect of making any person, firm, or corporation a party to any action in

which the person or entity has not been named, served, or added as such in accordance with the Federal Rules of Civil Procedure.

## II. MDL DOCKET AND MEMBER CASE DOCKETS

3. An MDL Docket is hereby established for the MDL proceedings. The MDL Docket shall be Civil Action No. 22md3043 (DLC). This Order shall be docketed by the Clerk in the MDL Docket herein established. The Clerk shall maintain a separate docket for each of the Member Cases and filings shall be docketed therein in accordance with the regular procedures of the Clerk of this Court except as modified by Sections III and V of this Order.

## III. NEWLY FILED OR TRANSFERRED ACTIONS

4. When an action that relates to the same subject matter as the MDL is hereafter filed in or transferred to this Court and assigned to the undersigned, it shall be a Member Case in the MDL, and the Clerk of Court shall docket a copy of this Order in the separate docket for such action and make an appropriate entry in the MDL Docket.

5. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case which might properly be included in the MDL.

## IV. CAPTIONS

6. Every pleading filed in the MDL, and in any Member Case included therein, shall bear the following caption:

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| IN RE: Acetaminophen - ASD-ADHD | : | 22md3043 (DLC) |
| Products Liability Litigation   | : |                |
|                                 | : |                |
| This Document Relates To:       | : |                |
|                                 | : |                |
| -----                           | X |                |

7. When a pleading is intended to be applicable to all actions in the MDL, the caption shall state: "This Document Relates To: All Actions". When a pleading is not intended to apply to all such actions, the docket number for each Member Case to which it is intended to apply shall appear immediately after the words "This Document Relates To:" in the caption.

#### V. FILING

8. When a party files a document on ECF and the caption shows that is applicable to All Actions, the party shall file it in the MDL Docket. No other filing need be made.

9. When a party files a document on ECF and the caption shows that it is not applicable to All Actions, the party shall file it in the MDL Docket and in each Member Case docket to which it applies.

10. Unless otherwise ordered, all documents shall be filed electronically via the Court's CM/ECF system and must be filed in accordance with the Southern District of New York's Local Rules, the Southern District of New York ECF Rules and Instructions, and this Court's Individual Practices in Civil Cases.

11. All counsel shall register promptly for this Court's CM/ECF filing system.

VI. SCHEDULE AND PRETRIAL CONFERENCE

12. With the exception of Roberts v. Wal-Mart Stores, Inc., No. 5:22cv5108 (W.D. Ark.) and Hatfield v. Wal-Mart Stores, Inc., No. 5:22cv5109 (W.D. Ark.), the deadlines for any defendant in any Member Case to file a responsive pleading to the complaint with which they were served pursuant to Rule 12, Fed. R. Civ. P., are hereby stayed.

13. A pretrial conference shall be held on **November 17, 2022 at 2:30 P.M.** at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Each party represented by counsel shall appear at the initial conference through the attorney who will have primary responsibility for the party's interest in this litigation. Parties with similar interests may agree as to any conference, unless otherwise ordered, to have an attending attorney represent their interests instead of attending through their own attorney. Any counsel who intends to seek a leadership position must attend the initial conference. All counsel who wish to be heard at the conference must attend in person.

14. All counsel who intend to appear at the November 17 conference shall file a letter notifying this Court of their intention by **November 10, 2022**.

15. All counsel appearing at the November 17 conference shall file a proposed case management plan on the MDL Docket by **November 10, 2022**. Counsel for the plaintiffs and the

defendants are encouraged to coordinate amongst themselves and collectively submit proposed case management plans on behalf of all plaintiffs and all defendants, respectively.

VII. THIS COURT'S INDIVIDUAL PRACTICES

16. Counsel shall consult this Court's Individual Practices in Civil Cases for instructions on how to proceed before this Court.

17. Pursuant to this Court's Individual Practices, communications with Chambers should be by letter, which shall not exceed two pages in length, filed electronically on ECF. Such letters shall be filed pursuant to Section V of this Order.

18. Pursuant to this Court's Individual Practices, at the time any reply is served on a motion, the moving party shall supply two courtesy copies of all motion papers, including those of their adversaries, to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York 10007.

Dated: New York, New York  
October 18, 2022

  
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DENISE COTE  
United States District Judge